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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
PHILIPPE MARLIERE, ET AL. : EXAMINER: ZEMAN, ROBERT A.
SERIAL NO: 10/510,953 :
FILED: DECEMBER 2, 2005 : GROUP ART UNIT: 1645
FOR: GENOMIC LIBRARY OF :
CYANOPHAGE S-2L AND FUNCTIONAL
ANALYSIS

RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated March 19, 2008, the Applicants elect with traverse, **Group I**, claims 1-4, 9-16 and 25-29, directed to polynucleotides, and the species identified by **SEQ ID NO: 1**.

The traverse is on the grounds that no undue burden would be imposed in the examination of the claims of the other groups, especially those involving polynucleotides, since substantially similar searches would be performed for each group.

The Applicants traverse the election of species requirement since a search of the elected species of SEQ ID NO: 1 would result in the search of all the other polynucleotide sequences contained within SEQ ID NO: 1 and claimed in this application.

SEQ ID NO: 1 corresponds to the full genomic sequence of cyanophage S2L. However, SEQ ID NO: 1 is not identical to the natural sequence occurring in cyanophage S2L, because D-bases (2,6-diamino purine) which are naturally present in the cyanophage

S2L genome have been replaced according to the invention by A-bases (adenine) thus obtaining SEQ ID NO: 1.

In the event that the Restriction Requirement is maintained, the Applicants respectfully request that the claims of the nonelected groups which depend from or otherwise include all the limitations of an allowed elected claim, be rejoined upon an indication of allowability for the elected claim, see MPEP 821.04.

It is the Applicants understanding that additional species will be examined upon an indication of allowability for a generic claim reading on the elected species. In view of the above, the Applicants respectfully request that the Restriction and Election of Species Requirements be withdrawn and all the claims examined together.

Respectfully submitted,

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